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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,208	01/12/2005	Ian Robert Symons	4623-048049	6995
28289	7590	09/05/2007		
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			EXAMINER LU, JIPING	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,208

Applicant(s)

SYMONS, IAN ROBERT

Examiner

Jiping Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/28/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the wings" in line 4. There is insufficient antecedent basis for this limitation in the claim. It is suggested that applicant to change the dependency of claim 12 for "claim 7" to --claim 9--.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 7-8, 17, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Duerre (U. S. Pat. 3,878,621).

Duerre shows a body dryer including a housing 12,19,21,22 defining an air chamber, a narrow elongate outlet aperture 5-10 in the housing, heating means 17, 49 for heating air in the housing; and an air blower 26 for supplying air into the housing for heating by the heating means and for discharge through the narrow elongate air outlet aperture so as to form a blade of hot air flowing outwardly of the housing for wrapping around a person standing in proximity to the

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housing to dry the person, and air flow control means/wings 69 for converting a vortex flow of air created by the fan into a substantially laminar flow of air which are arranged same as claimed. The air outlet aperture 5-10 comprises a segmented slit extending in the direction of the longitudinal axis of the housing (see Figs. 1-3). The housing has an air inlet 2 at a lower portion of the housing.

4. Claims 1, 5, 7-8, 17-18, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (U. S. Pat. 4,961,272).

Lee shows a body dryer including a housing 2 defining an air chamber, a narrow elongate outlet aperture 22 in the housing, heating means 31 for heating air in the housing; and an air blower 20 for supplying air into the housing for heating by the heating means and for discharge through the narrow elongate air outlet aperture so as to form a blade of hot air flowing outwardly of the housing for wrapping around a person standing in proximity to the housing to dry the person, and air flow control means/wings (numbered, at 22, see Fig. 4) for converting a vortex flow of air created by the fan into a substantially laminar flow of air which are arranged same as claimed. The heating means comprises at least one coiled heating element 31 arranged substantially parallel to the outlet aperture 22 and supported in the housing so that the outlet aperture is spaced from the heating element (see Fig. 1). The housing has an air inlet 2 at a lower portion of the housing.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duerre (U. S. Pat. 3,878,621) or Lee (U. S. Pat. 4,961,272).

The body dryer of Duerre or Lee as above includes all that is recited in claims 2-3 except for the length of the housing. It would have been an obvious matter of design choice to design the housing of Duerre or Lee with any desired length corresponding to the height of a human being in order to pursue an intended use since applicant has not disclosed that the claimed length solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill in the art and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the body drying apparatus of Duerre or Lee will perform the invention as claimed by the applicant with the housing having any kind of the length corresponding to the height of the human being. Moreover, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

7. Claims 5-6, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duerre (U. S. Pat. 3,878,621) in view of Mannall (GB 2020970A).

The body dryer of Duerre as above includes all that is recited in claims 5-6 except for two coiled heating element arranged one behind the other and substantially parallel to the outlet aperture of the housing. Mannall teaches a body dryer comprising two coiled heating elements 32 arranged one behind the other and substantially parallel to the outlet aperture 24 of the housing same as claimed. Therefore, it would have been obvious to one having ordinary skill in

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the art at the time the invention was made to modify the body dryer of Duerre to include two coiled heating element and to arrange these two coiled heating element one behind the other and substantially parallel to the outlet aperture of the housing as taught by Mannall in order to improve the drying efficiency.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U. S. Pat. 4,961,272) in view of Mannall (GB 2020970A).

The body dryer of Lee as above includes all that is recited in claim 6 except for two coiled heating element arranged one behind the other and substantially parallel to the outlet aperture of the housing. Mannall teaches a body dryer comprising two coiled heating elements 32 arranged one behind the other and substantially parallel to the outlet aperture 24 of the housing same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the body dryer of Lee to include two coiled heating element and to arrange these two coiled heating element one behind the other and substantially parallel to the outlet aperture of the housing as taught by Mannall in order to improve the drying efficiency.

9. Claims 10-11, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duerre (U. S. Pat. 3,878,621) or Lee (U. S. Pat. 4,961,272) in view of Mannall (GB 2020970A) as applied to claim 6 as above, and further in view of Meywald (U. S. Pat. 4,163,146).

The body dryer of Duerre or Lee as modified by Mannall as above includes all that is recited in claims 10-11 and 13 except for the detail of the supporting means for the heating element. Meywald teach a supporting means for the coiled heating element 10 comprising a central insulating strip 3 for supporting a coil of wire 4, a plurality of support means 6 arranged

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along the length of the coiled heating element for supporting the coiled heating element to prevent the coiled heating element coils from simply collapsing or compacting when the housing is arranged in a vertical disposition for use (see Fig. 9), a first card portion 2 (above 3) having a profiled edge, a second card portion 2 (below 3) having a profiled edge, so that when the first card portion and second card portion are brought together, the profiled edges define apertures (see Fig. 1) through which both the coil 4 and the central support strip 3 can extend and a support frame 1 for supporting the coiled heating element and the card portions which are arranged same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the body dryer of Duerre or Lee to include a heating element supporting means of Meywald in order to secure the heating element and prevent the coiled heating element from collapsing.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duerre (U. S. Pat. 3,878,621) or Lee (U. S. Pat. 4,961,272) in view of Friedrich et al. (DE 19700836C1).

The body dryer of Duerre or Lee as above includes all that is recited in claim 16 except for a finger operated control panel with light conductor. Friedrich et al. teach an optical sensor switch having light transmitted between light conductors coupled to light source and light-sensitive signal sensor by reflection, e.g. from finger, when switch surface is contacted same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify control panel of the body dryer of Duerre or Lee to include an optical sensor switch as taught by Friedrich et al. in order to facilitate the control of the dryer.

11. Claims 12, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duerre (U. S. Pat. 3,878,621) or Lee (U. S. Pat. 4,961,272) in view of Olsen (U. S. Pat. 2,027,061).

The body dryer of Duerre or Lee as above includes all that is recited in claims 22-24 except for a fan assembly including a primary fan, an outer fan housing, an inner fan housing, a fan motor, a secondary fan and an opening in the inner housing. Olsen teaches a fan assembly for supplying air to the dryer housing comprising a primary fan 15, an outer fan housing 9, an inner fan housing 26 for defining an air chamber with the outer fan housing through which the primary fan can blow air, a fan motor 29 arranged in the inner fan housing 26 for driving the primary fan 15, a secondary fan 31 in the inner fan housing 26 and an opening (numbered, at 26 near 32) in the inner housing 26 so that air can flow from the chamber through the opening and into the inner housing under the influence of the second fan to cause an air flow over the motor, and wings 23 extending from the inner housing to the outer housing which are arranged same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the body dryer of Duerre or Lee to include a fan assembly of Olsen in order to improve the drying efficiency.

12. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duerre (U. S. Pat. 3,878,621) or Lee (U. S. Pat. 4,961,272) in view of Olsen (U. S. Pat. 2,027,061) as applied to claim 22 as above, and further in view of Meywald (U. S. Pat. 4,163,146).

The body dryer of Duerre or Lee as modified by Olsen as above includes all that is recited in claims 26-27 except for the detail of the supporting means for the heating element. Meywald teach a supporting means for the coiled heating element 10 comprising a central insulating strip 3 for supporting a coil of wire 4, a plurality of support means 6 arranged along the length of the coiled heating element for supporting the coiled heating element to prevent the coiled heating element coils from simply collapsing or compacting when the housing is arranged

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in a vertical disposition for use (see Fig. 9) which are arranged same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the body dryer of Duerre or Lee to include a heating element supporting means of Meywald in order to secure the heating element and prevent the coiled heating element from collapsing.

Allowable Subject Matter

13. Claims 9, 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

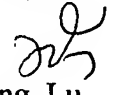
Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEVEN B. MCALLISTER can be reached on 571 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.